though the first company reorganized into a second company with stockholders' consent. See also *Briggs* v. *Penniman* (1826), 8 Cowan 387. 2nd. Is such liability a debt due to the creditors, or a corporate asset? Most courts hold the liability to be a debt due the creditors. In *Colton* v. *Mayer* (1890), 90 Md. 711, the court *held,* that upon insolvency of a bank, the receiver thereof is not authorized to inforce this statutory liability, the same *not* being an asset. The creditors only can sue the stockholders. Also in *Bank of Poughkeepsie* v. *Ibbotson* (1840), 24 Wend. 473, the court held such liability a debt due creditors and not an asset. The court further stated that a creditor might elect to proceed at Law against one stockholder, or in Equity against all. 3rd. Is the obligation of a contract which is created by one statute impaired by a subsequent statute changing the remedy for its breach? The court said in *McCracken* v. *Hayward* (1844), 2 How. 608, "Any law, which in its operation amounts to a denial or obstruction of the rights accruing by a contract, though professing to act only on the remedy, is directly obnoxious to the prohibition of the Constitution." See *Seibert* v. *Lewis* (1887), 122 U. S. 284. In an earlier case, *Bronson* v. *Kinzie* (1843), 1 How. 311, CHIEF JUSTICE TANEY said: "The obligation of a contract, etc., may be seriously impaired, by burdening the proceedings with new conditions and restrictions, so as to make the remedy hardly worth pursuing."

CONSTITUTIONAL LAW — SALES — INTERSTATE COMMERCE.—The defendant was a salesman traveling in South Dakota, employed by a wholesale liquor house in Minnesota to take orders from persons (other than dealers in liquor) for liquor in lots of less than five gallons; he had no authority to receive pre-payment, and all orders were subject to the approval of his principal; it was, moreover, a condition of these orders that the liquor should be delivered f.o.b. cars at St. Paul and that the purchasers were to pay the freight. In a prosecution for the violation of a statute requiring payment of a $200 license fee by all persons "selling, or offering for sale," liquors at retail. *Held,* that defendant is liable for a violation of the statutes, and that the statute is not in contravention of the Federal Constitution. *State* v. *Delamater* (1905), — S. Dak. —, 104 N. W. Rep. 537.

In general no state has the right to tax interstate commerce. *Fargo* v. *Michigan,* 121 U. S. 230; *Wabash Ry. Co.* v. *Illinois,* 118 U. S. 557. A statute requiring solicitors taking orders for legitimate subjects of interstate commerce to pay an annual license fee is such taxation when applied in the case of a salesman for a dealer outside the state. *Stockard* v. *Morgan,* 185 U. S. 27; *Brennan* v. *Titusville,* 153 U. S. 289; *State* v. *Rankin,* 11 S. D. 144, 76 N. W. 299. Liquors are a legitimate subject of interstate commerce. *Leisy* v. *Hardin,* 135 U. S. 100, 34 L. Ed. 128; *In re Rahrer,* 140 U. S. 545, 35 L. Ed. 572. But under the Wilson Act (1890), 26 Stat. 313, c. 728, liquors are subject to state control "upon arrival within the state," which means upon arrival at destination and delivery to the consignee (*Rhodes* v. *Iowa,* 170 U. S. 412, 42 L. Ed. 1088; *Pabst Brewing Co.* v. *Crewshaw,* 198 U. S. 17) though a consignee may receive liquors for personal consumption without regard to state laws. *Vance* v. *Vandercook,* 170 U. S. 438, 42 L. Ed. 1100. It has often been held that sales of liquors under circumstances like those

in the principal case must be regarded as having been made outside the state in which the orders were taken. *Shuenfeldt* v. *Junkermann,* 20 Fed. 357; *Williams* v. *Feiniman,* 14 Kan. 288; *Kling* v. *Fries,* 33 Mich. 275. But even then the salesman may be held liable. *Westheimer* v. *Westman,* 60 Kan. 753. 57 Pac. 969; *State* v. *Ascher,* 54 Conn. 299, 7 Atl. 822. Some courts, however, hold such transactions void on the ground that they are attempts to evade the law. *Levy* v. *Stegeman* (1905), — Ia. —, 104 N. W. 372; *Lang* v. *Lynch,* 38 Fed. 489, 4 L. R. A. 831. But mere knowledge by the vendor that liquors lawfully sold in one state are to be used unlawully by the vendee in another state will not avoid the sale. *Distilling Co.* v. *Nutt,* 34 Kan. 724.

CONSTITUTIONAL LAW—TRIAL BY JURY IN TERRITORIES.—Plaintiff in error was indicted for a misdemeanor in violating Alaska Code prohibiting the keeping of a disreputable house, and was convicted by a jury of six men. *Held,* Alaska was so incorporated into the United States by the treaty with Russia, under which it was acquired, and by subsequent congressional legislation, as to render repugnant to the Sixth Amendment of the Constitution, the provision of the Act of June 6, 1900, that, in trials for misdemeanors in Alaska, six jurors shall constitute a legal jury. *Rassmussen* v. *United States* (1905), 25 Sup. Court Rep. 514.

A large number of similar cases have recently arisen in the Philippines, Porto Rico, and other territories of the United States, in the decisions of which several judges have dissented.

The Sixth Amendment referred to provides, "that in all criminal prosecutions, the accused shall enjoy the right to a speedy trial, by an impartial jury, etc.," and by this is meant a Common Law jury, a tribunal of twelve men. COOLEY, PRIN. CONST. LAW, p. 321. A general act passed in 1891 provided, that the Constitution, and all laws of the United States, which are not locally inapplicable, shall have the same force and effect within all the organized territories as elsewhere in the United States. The last words, "in the United States" are construed to mean among or between the several states (not territories). *Knowlton* v. *Moore* (1899), 178 U. S. 41. The decision of the court in the principal case may be sustained on two grounds: 1st. Alaska *was* sufficiently incorporated into the United States to bring it under the protection of the Sixth Amendment by the terms of the treaty under which it was acquired, namely: "The inhabitants of the ceded territory, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion." 2nd. Subsequent acts of Congress, and judicial decisons, further made manifest the intention to incorporate or organize Alaska. An act in 1901 extended laws of the United States relating to customs, navigation, etc., over Alaska. An earlier act of 1884 provided a civil governor for Alaska and constituted it a civil and judicial district, the government of which should be organized. The court in *Binns* v. *United States* (1904), 194 U. S. 486, declared that Alaska was undoubtedly incorporated into the United States. The present case is distinguished from the other cases above mentioned, in that the Philippines, Hawaii Islands, and Porto Rico are territories *not* incorporated